

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

JUDITH M. SODERBERG, Individually
and on Behalf of All Others Similarly
Situated,

Plaintiff,

vs.

APELLIS PHARMACEUTICALS, INC., et
al.,

Defendants.

CA No. 1:23-cv-00834-MN

**PROPOSED LEAD PLAINTIFF MICHIGAN LABORERS' PENSION FUND'S NOTICE
OF MOTION AND MOTION FOR APPOINTMENT AS LEAD PLAINTIFF AND
APPROVAL OF LEAD PLAINTIFF'S SELECTION OF COUNSEL**

OF COUNSEL:

**ROBBINS GELLER RUDMAN
& DOWD LLP**

Danielle S. Myers
Michael Albert
Kenneth P. Dolitsky
655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058
dmyers@rgrdlaw.com
malbert@rgrdlaw.com
kdolitsky@rgrdlaw.com

*Proposed Lead Counsel for Proposed Lead
Plaintiff*

**ROBBINS GELLER RUDMAN
& DOWD LLP**

Christopher H. Lyons (Bar No. 5493)
Tayler D. Bolton (Bar No. 6640)
1521 Concord Pike, Suite 301
Wilmington, DE 19803
(302) 467-2660
clyons@rgrdlaw.com
tbolton@rgrdlaw.com

*Proposed Lead Counsel for Proposed Lead
Plaintiff*

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[Additional counsel appear on signature page.]

PLEASE TAKE NOTICE that as soon as this matter may be heard before this Court, the undersigned counsel for proposed lead plaintiff Michigan Laborers' Pension Fund (the "Pension Fund") will and hereby does move the Court pursuant to the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. §78u-4(a)(3)(B) for an Order: (i) appointing the Pension Fund as Lead Plaintiff; and (ii) approving the Pension Fund's selection of Robbins Geller Rudman & Dowd LLP to serve as Lead Counsel. Local Rule 7.1.1 requires "an averment of counsel for the moving party that a reasonable effort has been made to reach agreement with the opposing party on the matters set forth in the motion." Because the PSLRA permits any "purported class member . . . including any motion by a class member who is not individually named as a plaintiff in the complaint" to file a motion for appointment as lead plaintiff, 15 U.S.C. §78u-4(a)(3)(B)(i), the Pension Fund cannot ascertain whether any other parties will also seek appointment as lead plaintiff until after the deadline expires on October 2, 2023. Under these narrow circumstances, the Pension Fund respectfully requests that the conferral requirement of D. Del. LR 7.1.1 be waived due to the fact that the Pension Fund cannot confer with unknown movants. The undersigned intends to rely upon the annexed Brief and Declaration of Christopher H. Lyons. A proposed Order accompanies this Motion.

DATED: October 2, 2023

Respectfully submitted,

**ROBBINS GELLER RUDMAN
& DOWD LLP**

/s/ Christopher H. Lyons

Christopher H. Lyons (Bar No. 5493)

Taylor D. Bolton (Bar No. 6640)

1521 Concord Pike, Suite 301

Wilmington, DE 19803

(302) 467-2660

clyons@rgrdlaw.com

tbolton@rgrdlaw.com

OF COUNSEL:

**ROBBINS GELLER RUDMAN
& DOWD LLP**

Danielle S. Myers
Michael Albert
Kenneth P. Dolitsky
655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058
dmyers@rgrdlaw.com
malbert@rgrdlaw.com
kdolitsky@rgrdlaw.com

*Proposed Lead Counsel for Proposed Lead
Plaintiff*

*Proposed Lead Counsel for Proposed Lead
Plaintiff*

**WATKINS, PAWLICK,
CALATI & PRIFTI, PC**

Lauren Crummel
1423 E. Twelve Mile Road
Madison Heights, MI 48071
(248) 658-0797
lcrummel@wpcplaw.com

*Additional Counsel for Proposed Lead
Plaintiff*